

ORIGINAL

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Attorneys for Dennis Claypool,
Sheryl Claypool, Scott Claypool and Kristen Claypool

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUN 29 2006

at 4 o'clock and 20 min P M
SUE BEITIA, CLERK

LODGED

JUN 21 2006

CLERK, U.S. DISTRICT COURT
DISTRICT OF HAWAII

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

HG-
CV 04-00559 pmk
CV 05-00037 HG-BMK

DENNIS CLAYPOOL, individually
and as Guardian Ad Litem for
KRISTEN CLAYPOOL, a minor,
SHERYL CLAYPOOL, SCOTT
CLAYPOOL, and KRISTEN
CLAYPOOL,

Plaintiffs,

vs.

CAPTAIN ANDY'S SAILING, INC.,
BLUE DOLPHIN CHARTERS, LTD.
and BLUE DOLPHIN DIVING,
INC.,

Defendants.

Civil No. CV04 00570 HG- BMK

ORDER DENYING
MARKEL INTERNATIONAL
INSURANCE CO., LTD.'S
MOTION TO INTERVENE AS
PARTY DEFENDANT IN
THE CLAYPOOL PLAINTIFFS'
MOTION FOR APPROVAL OF
GOOD FAITH SETTLEMENT;
CERTIFICATE
OF SERVICE

MATTHEW ISHAM, individually) CIVIL NO. CV04-00559 HG-BMK
and as Guardian ad Litem for)
HAYDEN ISHAM, a minor;)
ROXANNE BEST ISHAM,)
)
Plaintiffs,)
vs.)
)
BLUE DOLPHIN CHARTERS,)
LTD. and BLUE DOLPHIN)
DIVING, LTD., CAPTAIN)
ANDY'S SAILING, INC.,)
)
Defendants.)

IN THE MATTER OF THE) Civil No. CV05-00037 HG BMK
COMPLAINT OF BLUE DOLPHIN)
CHARTERS, LTD. AND TERRY)
DONNELLY, AS OWNERS OF)
THE VESSEL M/V BLUE)
DOLPHIN, O/N 1082212, FOR)
EXONORATION FROM AND/OR)
LIMITATION OF LIABILITY)

Markel International Insurance Co., Ltd.'s Motion to Intervene as Party

Defendant came on regularly for hearing before the undersigned on June 9, 2006,
at 2:00 p.m. in Courtroom 5 of this Court.

Stephen Smith appeared telephonically on behalf of Markel International Insurance Co., Ltd.; the Claypool Plaintiffs were represented by Harold Hoppe and John Hillsman; and Blue Dolphin Charters, Ltd. and Terry Donnelly were represented by Robert Miller and Randolph Baldemor.

The matter having been argued and submitted, and good cause appearing therefor:

IT IS HEREBY ORDERED that Markel Insurance Co., Ltd's Motion to Intervene as Party Defendant be, and hereby is, DENIED, but Stephen Smith may argue the Motion for Approval of Good Faith Settlement.

Dated: June 28, 2006


BARRY M. KURREN
USDC Magistrate Judge

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Attorneys for Dennis Claypool,
 Sheryl Claypool, Scott Claypool and Kristen Claypool

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

DENNIS CLAYPOOL, individually	)	Civil No. CV04 00570 HG- BMK
and as Guardian Ad Litem for)	
KRISTEN CLAYPOOL, a minor,	)	CERTIFICATE OF SERVICE OF
SHERYL CLAYPOOL, SCOTT	)	PROPOSED ORDER DENYING
CLAYPOOL, and KRISTEN	)	MARKEL INTERNATIONAL
CLAYPOOL,	)	INSURANCE CO., LTD.'S
Plaintiffs,	)	MOTION TO INTERVENE AS
vs.	)	PARTY DEFENDANT IN THE
	)	CLAYPOOL PLAINTIFFS'
CAPTAIN ANDY'S SAILING, INC.,	)	MOTION FOR APPROVAL OF
BLUE DOLPHIN CHARTERS, LTD.	)	GOOD FAITH SETTLEMENT
and BLUE DOLPHIN DIVING,)	
INC.,)	
Defendants.)	

MATTHEW ISHAM, individually	)	CIVIL NO. CV04-00559 HG-BMK
and as Guardian ad Litem for)	
HAYDEN ISHAM, a minor;)	
ROXANNE BEST ISHAM,)	
)	
Plaintiffs,)	
vs.)	
)	
BLUE DOLPHIN CHARTERS,)	
LTD. and BLUE DOLPHIN)	
DIVING, LTD., CAPTAIN)	
ANDY'S SAILING, INC.,)	
)	
Defendants.)	

IN THE MATTER OF THE	)	Civil No. CV05-00037 HG BMK
COMPLAINT OF BLUE DOLPHIN)	
CHARTERS, LTD. AND TERRY)	
DONNELLY, AS OWNERS OF)	
THE VESSEL M/V BLUE)	
DOLPHIN, O/N 1082212, FOR)	
EXONORATION FROM AND/OR)	
LIMITATION OF LIABILITY)	

I HEREBY CERTIFY that on the date last written below, I served a true and correct copy of the foregoing documents on the following as indicated below:

CERTIFICATE OF SERVICE OF	ORDER
DENYING MARKEL INTL.'S MOTION TO INTERVENE	

1st Class
U.S. Mail

John R. Lacy
Evelyn J. Black
Randy L.M. Baldemor
GOODSILL ANDERSON
QUINN & STIFEL
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Blue Dolphin
Charters

1st Class
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Blue Dolphin
Charters, Inc.

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U.S. Mail

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Honolulu, HI 96813

Markel Insurance

Dated: June 19, 2006

LAW OFFICES OF HAROLD G. HOPPE
McGUINN, HILLSMAN & PALEFSKY
Attorneys for the Claypool Plaintiffs

By:



JOHN R. HILLSMAN